

United States District Court  
Southern District of New York

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We Are the People Inc. and Jacob Milton,

Plaintiff,

Case No. 1:19-CV08871-JMF

- against -

Facebook, Inc., Mark Zuckerberg,  
Sheryl Sandberg

**AMENDED COMPLAINT**

Defendants,

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The Plaintiffs, We Are The People, Inc, and Jacob Milton, complaining of  
Defendants by their Attorney, **John P. DeMaio, Esq.**, upon information and belief  
respectfully alleges:

**Jurisdiction**

This Court lacks Subject Matter Jurisdiction. Otherwise, Venu is proper based upon  
Residences.

**Parties**

1. The Plaintiff, Jacob Milton, was and is a resident of New York State living in Queens County, New York, and doing business in Queens County, New York.
2. The Plaintiff, We Are The People, Inc. is a not-for-profit New York Corporation (the Corporation) and the Plaintiff Jacob Milton is its Chief Operation Officer. The Plaintiff Milton was born into a prominent Muslim Family in Bangladesh and continues to be a naturalized, Bangladeshi-born, United States Permanent Resident.

3. Since his arrival to the United States, Mr. Milton has been a community activist for immigrants from all over the world.

4. The Plaintiff Milton personally and through the Corporation has been supporting of Human and Civil Rights activism in order to restore democracy in third world countries, especially in Bangladesh where the government is engaged in ethnic cleansing, systematic violation of human and civil rights on a daily basis, including kidnapping and killing proponents of human rights,

5. The lead Defendant, Facebook, Inc., was and is a Delaware Corporation, with headquarters located in California, and was authorized at all times complained of to do business in New York State; and is a Resident of New York for Diversity Purposes.

6. The Co-Defendants, Mark Zuckerberg, Sheryl Sandberg, were and are - upon information and belief - the owner(s) and operator(s) of Defendant, Facebook, Inc., and are Residents of New York for Diversity purposes.

### **FACTS**

7. In or prior to the Year 2014 the Defendants organized and incorporated Facebook, Inc. for the publicly stated purpose of facilitating personal and inter-group “networking.”

8. In or prior to the Year 2014 the Defendants organized, incorporated and managed Facebook, Inc. for the purpose of reaping substantial revenues from advertising using Facebook as a “platform” for publicizing services, goods or other business products to the individuals or group members “networking” with one another on the Defendants’ commercial website, Facebook.

9. The Plaintiffs, between 2014-2018, spent nearly One Million Dollars (\$1,000,000) purchasing materials and paying for services of persons creating materials to be placed on his “boosted” Facebook Page (“Member Profile”) for the purpose of publicizing human rights issues in Bangladesh and within the Bangladeshi-immigrant community inside the United States.

10. The Defendants, at no time between 2014 and 2017 communicated to the Plaintiffs that any of the materials paid for published by them on their human rights website in any respect violated their published “Facebook Community” standards or practices.

11. At no time during 2014 through 2017 did the Plaintiff alter or change the nature of their human right’s “postings” in any respect. The “media content,” posted in 2014 through 2018, are essentially identical in form, tone and content.

12. In 2018, the Defendants - without notice - capriciously, arbitrarily, unreasonably and against their own published administrative rules and guidelines “removed” the Plaintiffs’ content from their “Facebook Page.”

13. The Plaintiffs made timely written applications to the Defendants for an administrative cure of their removals from his “Facebook Page.”

14. The Defendants have ignored, disregarded and intentionally failed to respond to these written applications.

15. During the time that the Defendants have ignored, disregarded and intentionally failed to respond, the other Bangladeshi and Bangladeshi immigrant-community. “Facebook Pages” - previously noted to be virtually identical to the tone,



content and form to the Plaintiffs' - have continued to operate without inference from or by the Defendants.

16. By reason of the foregoing, the Plaintiffs are entitled to compensatory damages - together with the costs, disbursements and reasonable attorney's fees as herein set forth below.

17. At all times alleged herein, the Defendants acted in concert with each other, consented to and ratified each and every act and omission of each and every other Defendant herein.

**FOR A FIRST CAUSE OF ACTION**

18. All prior allegations are repeated.

19. The Plaintiff and the Defendants entered into a verbal and written agreement, setting forth and confirmed by a series of writing whereby the Defendants for due consideration, including fees, advertising and access to the public would place the Plaintiffs on Facebook including posts and boosts for an indefinite period of time,

20. At the commencement of the contract, the Defendants knew and understood that the Plaintiffs were Muslims and Civil Rights Activists within the Muslim/Bangladeshi community.

21. At all times herein, the Plaintiffs were in full compliance with all standards, rules, and regulations of the Defendants.

22. Without cause or justification, the Defendants banned/removed the Plaintiffs from Facebook in Breach of Contract and based upon inter-alia ethnic discrimination, causing extensive compensatory damages to the Plaintiffs.

**FOR A SECOND CAUSE OF ACTION**

23. All prior allegations repeated.

24. All of the acts and circumstances between the Plaintiffs and the Defendants including placing Facebook Posts and other communications and contacts created a contract implied in fact whereby the Defendants for due consideration, including fees, advertising and access to the Public would place the Plaintiffs on Facebook including posts and boosts for an indefinite period of time.

25. Without justification, the Defendants banned/removed the Plaintiff from Facebook causing extensive compensatory damages to the Plaintiff.

**FOR A THIRD A CAUSE OF ACTION**

26. All prior allegations are repeated.

27. All of the conduct of the Defendants constituted a clear and unambiguous promise to place the Plaintiff on Facebook for posts and boosts with foreseeable reliance by the Plaintiffs that they would be on Facebook for an indefinite period, the breach of which caused serious injury in the form of compensatory damages and said conduct constitutes recoverable Promissory Reliance.

**FOR A FOURTH CAUSE OF ACTION**

28. All prior allegation are repeated.

29. The acts of the Defendants entitle Plaintiff to equitable estoppel in that to prevent the enforcement of Plaintiffs' Rights would work a fraud and/or injustice upon the Plaintiffs who justifiably relied upon the acts of the Defendants causing

substantial compensatory damages to the plaintiff after being banned/removed from Facebook.

**FOR A FIFTH CAUSE OF ACTION**

30. All prior allegations are repeated.

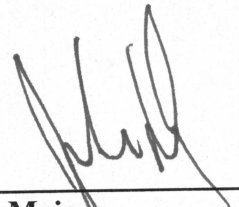
31. The Defendants were unjustly enriched in the form of fees, advertising, and sale of Plaintiff's and subscribers' information; and it is against equity and good conscience to allow the Defendants to retain said enrichment and so compensatory damages that are therefore required.

**COMPLIANCE**

Plaintiffs are in compliance with All Federal Rules of Civil Procedures and All Local Rules including individual Rules of the Assigned Judge.

**WHEREFORE THE PLAINTIFF DEMANDS JUDGEMENT IN THE AMOUNT OF FIVE MILLION DOLLARS PLUS INTERESTS, COSTS, AND DISBURSEMENTS.**

DATED: NOVEMBER 11, 2019



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